

§ 260.7

(c) *Notice of intent to audit.* Interested parties must file with the Copyright Office a notice of intent to audit the designated agent. Such notice of intent shall also be served at the same time on the designated agent to be audited. Within 30 days of the filing of the notice of intent, the Copyright Office shall publish in the FEDERAL REGISTER a notice announcing such filing.

(d) *Retention of records.* The interested party requesting the verification procedure shall retain the report of the verification for a period of three years.

(e) *Acceptable verification procedure.* An audit, including underlying paperwork, which was performed in the ordinary course of business according to generally accepted auditing standards by an independent auditor, shall serve as an acceptable verification procedure for all interested parties.

(f) *Costs of the verification procedure.* The interested parties requesting the verification procedure shall pay for the cost of the verification procedure, unless an independent auditor concludes that there was an underpayment of five (5) percent or more, in which case, the designated agent shall bear the costs of the verification procedure.

(g) *Interested parties.* For purposes of this section, interested parties are those individuals or entities who are entitled to receive royalty payments pursuant to 17 U.S.C. 114(g)(2), or their designated agents.

§ 260.7 Unknown copyright owners.

If the designated collecting agent is unable to identify or locate a copyright owner who is entitled to receive a royalty payment under this part, the collecting agent shall retain the required payment in a segregated trust account for a period of three years from the date of payment. No claim to such payment shall be valid after the expiration of the three-year period. After the expiration of this period, the collecting agent may use the unclaimed funds to offset the cost of the administration of the collection and distribution of the royalty fees.

[63 FR 25413, May 8, 1998, as amended at 64 FR 36576, July 7, 1999]

EFFECTIVE DATE NOTE: At 68 FR 36470, June 18, 2003, § 260.7 was amended by removing the word “collecting” after the phrase “If the designated”; by removing the word “collecting” each place it appears and adding the word “designated” in its place; and in the last sentence, by removing the word “fees” and adding the word “payments” in its place, effective July 18, 2003.

37 CFR Ch. II (7–1–03 Edition)

PART 261—RATES AND TERMS FOR ELIGIBLE NONSUBSCRIPTION TRANSMISSIONS AND THE MAKING OF EPHEMERAL REPRODUCTIONS

Sec.

261.1 General.

261.2 Definitions.

261.3 Royalty fees for public performance of sound recordings and for ephemeral recordings.

261.4 Terms for making payment of royalty fees and statements of account.

261.5 Confidential information.

261.6 Verification of statements of account.

261.7 Verification of royalty payments.

261.8 Unclaimed funds.

AUTHORITY: 17 U.S.C. 112(e), 114, 801(b)(1).

SOURCE: 67 FR 45272, July 8, 2002, unless otherwise noted.

§ 261.1 General.

(a) This part 261 establishes rates and terms of royalty payments for the public performance of sound recordings in certain digital transmissions by certain Licensees in accordance with the provisions of 17 U.S.C. 114, and the making of ephemeral recordings by certain Licensees in accordance with the provisions of 17 U.S.C. 112(e).

(b) Licensees relying upon the statutory license set forth in 17 U.S.C. 114 shall comply with the requirements of that section and the rates and terms of this part.

(c) Licensees relying upon the statutory license set forth in 17 U.S.C. 112 shall comply with the requirements of that section and the rates and terms of this part.

(d) Notwithstanding the schedule of rates and terms established in this part, the rates and terms of any license agreements entered into by Copyright Owners and services within the scope of 17 U.S.C. 112 and 114 concerning eligible nonsubscription transmissions shall apply in lieu of the rates and terms of this part.

§ 261.2 Definitions.

For purposes of this part, the following definitions shall apply:

Aggregate Tuning Hours mean the total hours of programming that the Licensee has transmitted over the Internet during the relevant period to

all end users within the United States from all channels and stations that provide audio programming consisting, in whole or in part, of eligible non-subscription transmissions. By way of example, if a service transmitted one hour of programming to 10 simultaneous listeners, the service's Aggregate Tuning Hours would equal 10. Likewise, if one listener listened to a service for 10 hours, the service's Aggregate Tuning Hours would equal 10.

Business Establishment Service is a Licensee that is entitled to transmit to the public a performance of a sound recording under the limitation on exclusive rights specified by 17 U.S.C. 114(d)(1)(C)(iv) and that obtains a compulsory license under 17 U.S.C. 112(e) to make ephemeral recordings for the sole purpose of facilitating those exempt transmissions.

Commercial Broadcaster is a Licensee that owns and operates a terrestrial AM or FM radio station that is licensed by the Federal Communications Commission to make over-the-air broadcasts, other than a CPB-Affiliated or Non-CPB-Affiliated, Non-Commercial Broadcaster.

Copyright Owner is a sound recording copyright owner who is entitled to receive royalty payments made under this part pursuant to the statutory licenses under 17 U.S.C. 112(e) or 114.

Designated Agent is the agent designated by the Librarian of Congress for the receipt of royalty payments made pursuant to this part from the Receiving Agent. The Designated Agent shall make further distribution of those royalty payments to Copyright Owners and Performers that have been identified in § 261.4(c).

Ephemeral Recording is a phonorecord created solely for the purpose of facilitating a transmission of a public performance of a sound recording under the limitations on exclusive rights specified by 17 U.S.C. 114(d)(1)(C)(iv) or under a statutory license in accordance with 17 U.S.C. 114(f), and subject to the limitations specified in 17 U.S.C. 112(e).

Gross proceeds mean all fees and payments, as used in § 261.3(d), including those made in kind, received from any source before, during or after the License term which are derived from the use of copyrighted sound recordings

pursuant to 17 U.S.C. 112(e) for the sole purpose of facilitating a transmission to the public of a performance of a sound recording under the limitation on the exclusive rights specified in section 114(d)(1)(c)(iv).

Licensee is: (1) A person or entity that has obtained a compulsory license under 17 U.S.C. 112 or 114 and the implementing regulations therefor to make eligible non-subscription transmissions and ephemeral recordings, or

(2) A person or entity entitled to transmit to the public a performance of a sound recording under the limitation on exclusive rights specified by 17 U.S.C. 114(d)(1)(C)(iv) and that has obtained a compulsory license under 17 U.S.C. 112 to make ephemeral recordings.

Listener is a recipient of a transmission of a public performance of a sound recording made by a Licensee or a Business Establishment Service. However, if more than one person is listening to a transmission made to a single machine or device, those persons collectively constitute a single listener.

Non-CPB, Non-Commercial Broadcaster is a Public Broadcasting Entity as defined in 17 U.S.C. 118(g) that is not qualified to receive funding from the Corporation for Public Broadcasting pursuant to the criteria set forth in 47 U.S.C. 396.

Performance is each instance in which any portion of a sound recording is publicly performed to a listener via a Web Site transmission or retransmission (e.g. the delivery of any portion of a single track from a compact disc to one listener) but excluding the following:

(1) A performance of a sound recording that does not require a license (e.g., the sound recording is not copyrighted);

(2) A performance of a sound recording for which the service has previously obtained license from the copyright owner of such sound recording; and

(3) An incidental performance that both: (i) Makes no more than incidental use of sound recordings including, but not limited to, brief musical transitions in and out of commercials

§ 261.3

37 CFR Ch. II (7–1–03 Edition)

or program segments, brief performances during news, talk and sports programming, brief background performances during disk jockey announcements, brief performances during commercials of sixty seconds or less in duration, or brief performances during sporting or other public events; and

(ii) Other than ambient music that is background at a public event, does not contain an entire sound recording and does not feature a particular sound recording of more than thirty seconds (as in the case of a sound recording used as a theme song).

Performer means the respective independent administrators identified in 17 U.S.C. 114(g)(2)(A) and (B) and the parties identified in 17 U.S.C. 114(g)(2)(C).

Receiving Agent is the agent designated by the Librarian of Congress for the collection of royalty payments made pursuant to this part by Licensees and the distribution of those royalty payments to Designated Agents, and that has been identified as such in § 261.4(b). The Receiving Agent may also be a Designated Agent.

Side channel is a channel on the Web Site of a Commercial Broadcaster or a Non-CPB, Non-Commercial Broadcaster, which channel transmits eligible non-subscription transmissions that are not simultaneously transmitted over-the-air by the Licensee.

Webcaster is a Licensee, other than a Commercial Broadcaster, Non-CPB, Non-Commercial Broadcaster or Business Establishment Service, that makes eligible non-subscription transmissions of digital audio programming over the Internet through a Web Site.

Web Site is a site located on the World Wide Web that can be located by an end user through a principal Uniform Resource Locator (a “URL”), e.g., www.xxxxx.com.

§ 261.3 Royalty fees for public performances of sound recordings and for ephemeral recordings.

(a) For the period October 28, 1998, through December 31, 2002, royalty rates and fees for eligible digital transmissions of sound recordings made pursuant to 17 U.S.C. 114(d)(2), and the making of ephemeral recordings pursuant to 17 U.S.C. 112(e) shall be as follows:

(1) Webcaster and Commercial Broadcaster Performance Royalty. For all Internet transmissions, including simultaneous Internet retransmissions of over-the-air AM or FM radio broadcasts, a Webcaster and a Commercial Broadcaster shall pay a section 114(f) performance royalty of 0.07¢ per performance.

(2) Non-CPB, Non-Commercial Broadcaster Performance Royalty.

(i) For simultaneous Internet retransmissions of over-the-air AM or FM broadcasts by the same radio station, a non-CPB, Non-Commercial Broadcaster shall pay a section 114(f) performance royalty of 0.02¢ per performance.

(ii) For other Internet transmissions, including up to two side channels of programming consistent with the mission of the station, a Non-CPB, Non-Commercial Broadcaster shall pay a section 114(f) performance royalty of 0.02¢ per performance.

(iii) For Internet transmissions on other side channels of programming, a Non-CPB, Non-Commercial Broadcaster shall pay a section 114(f) performance royalty of 0.07¢ per performance.

(b) Estimate of Performance. Until December 31, 2002, a Webcaster, Commercial Broadcaster, or Non-CPB, Non-Commercial Broadcaster may estimate its total number of performances if the actual number is not available. Such estimation shall be based on multiplying the total number of Aggregate Tuning Hours by 15 performances per hour (1 performance per hour in the case of transmissions or retransmissions of radio station programming reasonably classified as news, business, talk or sports, and 12 performances per hour in the case of transmissions or retransmissions of all other radio station programming).

(c) *Webcaster and Broadcaster Ephemeral Recordings Royalty*. For the making of any number of ephemeral recordings to facilitate the Internet transmission of a sound recording, each Webcaster, Commercial Broadcaster, and Non-CPB, Non-Commercial Broadcaster shall pay a section 112(e) royalty equal to 8.8% of their total performance royalty.

(d) *Business Establishment Ephemeral Recordings Royalty.* For the making of any number of ephemeral recordings in the operation of a service pursuant to the Business Establishment exemption contained in 17 U.S.C. 114(d)(1)(C)(iv), a Business Establishment Service shall pay a section 112(e) ephemeral recording royalty equal to ten percent (10%) of the Licensee's annual gross proceeds derived from the use in such service of the musical programs which are attributable to copyrighted recordings. The attribution of gross proceeds to copyrighted recordings may be made on the basis of:

(1) For classical programs, the proportion that the playing time of copyrighted classical recordings bears to the total playing time of all classical recordings in the program,

(2) For all other programs, the proportion that the number of copyrighted recordings bears to the total number of all recordings in the program.

(e) *Minimum fee.* (1) Each Webcaster, Commercial Broadcaster, and Non-CPB, Non-Commercial Broadcaster licensed to make eligible digital transmissions and/or ephemeral recordings pursuant to licenses under 17 U.S.C. 114(f) and/or 17 U.S.C. 112(e) shall pay a minimum fee of \$500 for each calendar year, or part thereof, in which it makes such transmissions or recordings.

(2) Each Business Establishment Service licensed to make ephemeral recordings pursuant to a license under 17 U.S.C. 112(e) shall pay a minimum fee of \$10,000 for each calendar year, or part thereof, in which it makes such recordings.

§ 261.4 Terms for making payment of royalty fees and statements of account.

(a) A Licensee shall make the royalty payments due under § 261.3 to the Receiving Agent. If there are more than one Designated Agent representing Copyright Owners or Performers entitled to receive any portion of the royalties paid by the Licensee, the Receiving Agent shall apportion the royalty payments among Designated Agents using the information provided by the Licensee pursuant to the regulations governing records of use of performances for the period for which the roy-

alty payment was made. Such apportionment shall be made on a reasonable basis that uses a methodology that values all performances equally and is agreed upon among the Receiving Agent and the Designated Agents. Within 30 days of adoption of a methodology for apportioning royalties among Designated Agents, the Receiving Agent shall provide the Register of Copyrights with a detailed description of that methodology.

(b) Until such time as a new designation is made, SoundExchange, an unincorporated division of the Recording Industry Association of America, Inc., is designated as the Receiving Agent to receive statements of account and royalty payments from Licensees. Until such time as a new designation is made, Royalty Logic, Inc. and SoundExchange are designated as Designated Agents to distribute royalty payments to Copyright Owners and Performers entitled to receive royalties under 17 U.S.C. 114(g)(2) from the performance of sound recordings owned by such Copyright Owners.

(c) SoundExchange is the Designated Agent to distribute royalty payments to each Copyright Owner and Performer entitled to receive royalties under 17 U.S.C. 114(g)(2) from the performance of sound recordings owned by such Copyright Owners, except when a Copyright Owner or Performer has notified SoundExchange in writing of an election to receive royalties from a particular Designated Agent. With respect to any royalty payment received by the Receiving Agent from a Licensee, a designation by a Copyright Owner or Performer of a particular Designated Agent must be made no later than thirty days prior to the receipt by the Receiving Agent of that royalty payment.

(d) Commencing September 1, 2002, a Licensee shall make any payments due under § 261.3 to the Receiving Agent by the forty-fifth (45th) day after the end of each month for that month. Concurrently with the delivery of payment to the Receiving Agent, a Licensee shall deliver to each Designated Agent a copy of the statement of account for such payment. A Licensee shall pay a late fee of 0.75% per month, or the highest lawful rate, whichever is lower,

§ 261.4

37 CFR Ch. II (7–1–03 Edition)

for any payment received by the Receiving Agent after the due date. Late fees shall accrue from the due date until payment is received by the Receiving Agent.

(e) A Licensee shall make any payments due under § 261.3 for transmissions made between October 28, 1998, and August 31, 2002, to the Receiving Agent by October 20, 2002.

(f) A Licensee shall submit a monthly statement of account for accompanying royalty payments on a form prepared by the Receiving Agent after full consultation with all Designated Agents. The form shall be made available to the Licensee by the Receiving Agent. A statement of account shall include only such information as is necessary to calculate the accompanying royalty payment. Additional information beyond that which is sufficient to calculate the royalty payments to be paid shall not be required to be included on the statement of account.

(g) The Receiving Agent shall make payments of the allocable share of any royalty payment received from any Licensee under this section to the Designated Agent(s) as expeditiously as is reasonably possible following receipt of the Licensee's royalty payment and statement of account as well as the Licensee's Report of Use of Sound Recordings under Statutory License for the period to which the royalty payment and statement of account pertain, with such allocation to be made on the basis determined as set forth in paragraph (a) of this section. The Receiving Agent and the Designated Agent shall agree on a reasonable basis on the sharing on a pro-rata basis of any incremental costs directly associated with the allocation method. A final adjustment, if necessary, shall be agreed and paid or refunded, as the case may be, between the Receiving Agent and a Designated Agent for each calendar year no later than 180 days following the end of each calendar year.

(h) The Designated Agent shall distribute royalty payments on a reasonable basis that values all performances by a Licensee equally based upon the information provided by the Licensee pursuant to the regulations governing records of use of performances; Pro-

vided, however, that Copyright Owners and Performers who have designated a particular Designated Agent may agree to allocate their shares of the royalty payments among themselves on an alternative basis.

(i)(1) A Designated Agent shall provide to the Register of Copyrights:

(i) A detailed description of its methodology for distributing royalty payments to Copyright Owners and Performers who have not agreed to an alternative basis for allocating their share of royalty payments (hereinafter, "non-members"), and any amendments thereto, within 30 days of adoption and no later than 60 days prior to the first distribution to Copyright Owners and Performers of any royalties distributed pursuant to that methodology;

(ii) Any written complaint that the Designated Agent receives from a non-member concerning the distribution of royalty payments, within 30 days of receiving such written complaint; and

(iii) The final disposition by the Designated Agent of any complaint specified by paragraph (i)(1)(ii) of this section, within 60 days of such disposition.

(2) A Designated Agent may request that the Register of Copyrights provide a written opinion stating whether the Agent's methodology for distributing royalty payments to non-members meets the requirements of this section.

(j) A Designated Agent shall distribute such royalty payments directly to the Copyright Owners and Performers, according to the percentages set forth in 17 U.S.C. 114(g)(2), if such Copyright Owners and Performers provide the Designated Agent with adequate information necessary to identify the correct recipient for such payments. However, Performers and Copyright Owners may jointly agree with a Designated Agent upon payment protocols to be used by the Designated Agent that provide for alternative arrangements for the payment of royalties to Performers and Copyright Owners consistent with the percentages in 17 U.S.C. 114(g)(2).

(k) A Designated Agent may deduct from the royalties paid to Copyright Owners and Performers reasonable

costs incurred in the collection and distribution of the royalties paid by Licensees under §261.3, and a reasonable charge for administration.

(l) In the event a Designated Agent and a Receiving Agent cannot agree upon a methodology for apportioning royalties pursuant to paragraph (a) of this section, either the Receiving Agent or a Designated Agent may seek the assistance of the Copyright Office in resolving the dispute.

§ 261.5 Confidential information.

(a) For purposes of this part, “Confidential Information” shall include the statements of account, any information contained therein, including the amount of royalty payments, and any information pertaining to the statements of account reasonably designated as confidential by the Licensee submitting the statement.

(b) Confidential Information shall not include documents or information that at the time of delivery to the Receiving Agent or a Designated Agent are public knowledge. The Receiving Agent or a Designated Agent that claims the benefit of this provision shall have the burden of proving that the disclosed information was public knowledge.

(c) In no event shall the Receiving Agent or Designated Agent(s) use any Confidential Information for any purpose other than royalty collection and distribution and activities directly related thereto; Provided, however, that the Designated Agent may report Confidential Information provided on statements of account under this part in aggregated form, so long as Confidential Information pertaining to any Licensee or group of Licensees cannot directly or indirectly be ascertained or reasonably approximated. All reported aggregated Confidential Information from Licensees within a class of Licensees shall concurrently be made available to all Licensees then in such class. As used in this paragraph, the phrase “class of Licensees” means all Licensees paying fees pursuant to §261.4(a).

(d) Except as provided in paragraph (c) of this section and as required by law, access to Confidential Information shall be limited to, and in the case of

paragraphs (d)(3) and (d)(4) of this section shall be provided upon request, subject to resolution of any relevance or burdensomeness concerns and reimbursement of reasonable costs directly incurred in responding to such request, to:

(1) Those employees, agents, consultants and independent contractors of the Receiving Agent or a Designated Agent, subject to an appropriate confidentiality agreement, who are engaged in the collection and distribution of royalty payments hereunder and activities directly related thereto, who are not also employees or officers of a Copyright Owner or Performer, and who, for the purpose of performing such duties during the ordinary course of employment, require access to the records;

(2) An independent and qualified auditor, subject to an appropriate confidentiality agreement, who is authorized to act on behalf of the Receiving Agent or a Designated Agent with respect to the verification of a Licensee’s statement of account pursuant to §261.6 or on behalf of a Copyright Owner or Performer with respect to the verification of royalty payments pursuant to §261.7;

(3) In connection with future Copyright Arbitration Royalty Panel proceedings under 17 U.S.C. 114(f)(2) and 112(e), under an appropriate protective order, attorneys, consultants and other authorized agents of the parties to the proceedings, Copyright Arbitration Royalty Panels, the Copyright Office or the courts; and

(4) In connection with *bona fide* royalty disputes or claims by or among Licensees, the Receiving Agent, Copyright Owners, Performers or the Designated Agent(s), under an appropriate confidentiality agreement or protective order, attorneys, consultants and other authorized agents of the parties to the dispute, arbitration panels or the courts.

(e) The Receiving Agent or Designated Agent(s) and any person identified in paragraph (d) of this section shall implement procedures to safeguard all Confidential Information using a reasonable standard of care,

§ 261.6

37 CFR Ch. II (7–1–03 Edition)

but no less than the same degree of security used to protect Confidential Information or similarly sensitive information belonging to such Receiving Agent or Designated Agent(s) or person.

(f) Books and records of a Licensee, the Receiving Agent and of a Designated Agent relating to the payment, collection, and distribution of royalty payments shall be kept for a period of not less than three (3) years.

§ 261.6 Verification of statements of account.

(a) *General.* This section prescribes general rules pertaining to the verification of the statements of account by the Designated Agent.

(b) *Frequency of verification.* A Designated Agent may conduct a single audit of a Licensee, upon reasonable notice and during reasonable business hours, during any given calendar year, for any or all of the prior three (3) calendar years, and no calendar year shall be subject to audit more than once.

(c) *Notice of intent to audit.* A Designated Agent must submit a notice of intent to audit a particular Licensee with the Copyright Office, which shall publish in the FEDERAL REGISTER a notice announcing the receipt of the notice of intent to audit within thirty (30) days of the filing of the Designated Agent's notice. The notification of intent to audit shall be served at the same time on the Licensee to be audited. Any such audit shall be conducted by an independent and qualified auditor identified in the notice, and shall be binding on all Designated Agents, and all Copyright Owners and Performers.

(d) *Acquisition and retention of records.* The Licensee shall use commercially reasonable efforts to obtain or to provide access to any relevant books and records maintained by third parties for the purpose of the audit and retain such records for a period of not less than three (3) years. The Designated Agent requesting the verification procedure shall retain the report of the verification for a period of not less than three (3) years.

(e) *Acceptable verification procedure.* An audit, including underlying paperwork, which was performed in the ordi-

nary course of business according to generally accepted auditing standards by an independent and qualified auditor, shall serve as an acceptable verification procedure for all Designated Agents with respect to the information that is within the scope of the audit.

(f) *Consultation.* Before rendering a written report to a Designated Agent, except where the auditor has a reasonable basis to suspect fraud and disclosure would, in the reasonable opinion of the auditor, prejudice the investigation of such suspected fraud, the auditor shall review the tentative written findings of the audit with the appropriate agent or employee of the Licensee being audited in order to remedy any factual errors and clarify any issues relating to the audit; Provided that the appropriate agent or employee of the Licensee reasonably cooperates with the auditor to remedy promptly any factual errors or clarify any issues raised by the audit.

(g) *Costs of the verification procedure.* The Designated Agent requesting the verification procedure shall pay the cost of the procedure, unless it is finally determined that there was an underpayment of ten percent (10%) or more, in which case the Licensee shall, in addition to paying the amount of any underpayment, bear the reasonable costs of the verification procedure; Provided, however, that a Licensee shall not have to pay any costs of the verification procedure in excess of the amount of any underpayment unless the underpayment was more than twenty percent (20%) of the amount finally determined to be due from the Licensee and more than \$5,000.00.

§ 261.7 Verification of royalty payments.

(a) *General.* This section prescribes general rules pertaining to the verification by any Copyright Owner or Performer of royalty payments made by a Designated Agent; Provided, however, that nothing contained in this section shall apply to situations where a Copyright Owner or a Performer and a Designated Agent have agreed as to proper verification methods.

(b) *Frequency of verification.* A Copyright Owner or a Performer may conduct a single audit of a Designated Agent upon reasonable notice and during reasonable business hours, during any given calendar year, for any or all of the prior three (3) calendar years, and no calendar year shall be subject to audit more than once.

(c) *Notice of intent to audit.* A Copyright Owner or Performer must submit a notice of intent to audit a particular Designated Agent with the Copyright Office, which shall publish in the FEDERAL REGISTER a notice announcing the receipt of the notice of intent to audit within thirty (30) days of the filing of the notice. The notification of intent to audit shall be served at the same time on the Designated Agent to be audited. Any such audit shall be conducted by an independent and qualified auditor identified in the notice, and shall be binding on all Copyright Owners and Performers.

(d) *Acquisition and retention of records.* The Designated Agent making the royalty payment shall use commercially reasonable efforts to obtain or to provide access to any relevant books and records maintained by third parties for the purpose of the audit and retain such records for a period of not less than three (3) years. The Copyright Owner or Performer requesting the verification procedure shall retain the report of the verification for a period of not less than three (3) years.

(e) *Acceptable verification procedure.* An audit, including underlying paperwork, which was performed in the ordinary course of business according to generally accepted auditing standards by an independent and qualified auditor, shall serve as an acceptable verification procedure for all parties with respect to the information that is within the scope of the audit.

(f) *Consultation.* Before rendering a written report to a Copyright Owner or Performer, except where the auditor has a reasonable basis to suspect fraud and disclosure would, in the reasonable opinion of the auditor, prejudice the investigation of such suspected fraud, the

auditor shall review the tentative written findings of the audit with the appropriate agent or employee of the Designated Agent being audited in order to remedy any factual errors and clarify any issues relating to the audit; Provided that the appropriate agent or employee of the Designated Agent reasonably cooperates with the auditor to remedy promptly any factual errors or clarify any issues raised by the audit.

(g) *Costs of the verification procedure.* The Copyright Owner or Performer requesting the verification procedure shall pay the cost of the procedure, unless it is finally determined that there was an underpayment of ten percent (10%) or more, in which case the Designated Agent shall, in addition to paying the amount of any underpayment, bear the reasonable costs of the verification procedure; Provided, however, that a Designated Agent shall not have to pay any costs of the verification procedure in excess of the amount of any underpayment unless the underpayment was more than twenty percent (20%) of the amount finally determined to be due from the Designated Agent and more than \$5,000.00.

§ 261.8 Unclaimed funds.

If a Designated Agent is unable to identify or locate a Copyright Owner or Performer who is entitled to receive a royalty payment under this part, the Designated Agent shall retain the required payment in a segregated trust account for a period of three (3) years from the date of payment. No claim to such payment shall be valid after the expiration of the three (3) year period. After the expiration of this period, the unclaimed funds of the Designated Agent may first be applied to the costs directly attributable to the administration of the royalty payments due such unidentified Copyright Owners and Performers and shall thereafter be allocated on a pro rata basis among the Designated Agents(s) to be used to offset such Designated Agent(s) other costs of collection and distribution of the royalty fees.

INDEX TO CHAPTER II—COPYRIGHT OFFICE, LIBRARY OF CONGRESS

EDITORIAL NOTE: This listing is provided for informational purposes only. It is compiled and kept current by the Department of Commerce. This index is updated as of July 1, 2002.

	Section
Access to, and confidentiality of, Statements of Account for digital audio recording devices or media	201.29
Auditor's Reports, and other verification information filed in the Copyright Office for digital audio recording devices or media	201.29
Access (public) to CARP ¹ meetings	251.11 to 251.16
Account (Statements of) for digital audio recording devices or media	201.28
Acquisition and deposit of unpublished television transmission programs	202.22
Addresses prescribed for communications with Copyright Office ...	201.1, 201.2, 201.5, 202.3
Adjustment (rate) proceedings (CARP) ¹	251.60 to 251.65
Advance notices of potential infringement	201.22
Affixation (methods of) of copyright notice and positions on works	201.20
Agreements between copyright owners and public broadcasting entities, Recordation of	201.9
Amend or correct individual's record under Privacy Act, Appeal of refusal to	204.8
Amendment or correction of records under Privacy Act, Request for	204.7
Annual Statements of Account, Contents of	201.28(f)
Anti-circumvention, (circumvention), Exemptions to prohibition against	201.40
Arbitrators (CARP) ¹ , Financial disclosure statements of	251.32
Arbitrators (CARP) ¹ , Standards of conduct for	251.30 to 251.39
Architectural works	202.11
Architectural works, Deposit of	202.20(c)(2)(xviii)
Archives and libraries, Warnings of copyright for use by	201.14
Arts (visual), registration of (see Pictorial, graphic & sculptural works)	202.10, 202.20
Arts (visual) registry	201.25
Assessment of costs of (CARP) ¹ panels	251.54
Audio (digital) recording devices or media, Initial notice of distribution of	201.27
Audio (digital) recording devices or media, Statements of Account for	201.28
Auditor's Reports filed in Copyright Office for digital audio recording devices or media (Access to, and confidentiality of)	201.29
Auditor's Reports (In general)	201.28, 201.29
Basic registration defined	201.5(a)
Best Edition	202.19, 202.20, Appendix B to Part 202

¹CARP is the acronym for Copyright Arbitration Royalty Panel.

37 CFR Ch. II (7–1–03 Edition)

Blind and physically handicapped, ² Voluntary license to permit reproduction of nondramatic literary works solely for use of.....	201.15
Broadcasting entities and copyright owners, Recordation of agreements between.....	201.9
Broadcasting entities (public), Performance of musical compositions by.....	253.4, 253.5
Broadcasting entity (public) defined	253.2
Cable compulsory license, Adjustment of royalty fees for	256.1, 256.2
Cable compulsory license, Application of the 3.75% rate	201.17, 256.2
Cable contracts for systems outside 48 contiguous states, Recordation of	201.12
Cable royalty fees, Filing of claims for [under 17 U.S.C. 111(d)(4), 801, and 803].....	252.1 to 252.5
Cable systems, Statements of Account covering compulsory licenses for secondary transmissions by	201.17
Cancellation of completed registrations.....	201.7
CARP ¹ arbitrators, Financial disclosure statements of	251.32
CARP arbitrator lists	251.3
CARP ¹ organization	251.1 to 251.8
CARP ¹ meetings, Public access to	251.11 to 251.16
CARP ¹ records, Inspection of	251.21 to 251.23
Cartographic (three-dimensional) representations of area, such as globes and relief models	202.20(c)(2)(xi)(B)
Certification and Documents Section, Information and Reference Division, as address for certain requests	201.1(c)
Certification of copies or documents, Requests for	201.2(d)
Certification (official) defined.....	201.4(a)
Circumvention, Exemptions to prohibition against.....	201.40
Claimants, Copyright applications	202.3
Claims to cable royalty fees under 17 U.S.C. 111(d)(4), 801 and 803.....	252.1 to 252.5
Claims to satellite royalties	257
Coin-operated phonorecord player defined	254.2
Coin-operated phonorecord players, Adjustment of royalty rate for	254.1 to 254.3
Collective works, Deposit of contributions to.....	202.20(c)(2)(xv)
Colleges and universities, Performance of nondramatic musical compositions by public broadcasting entities licensed to	253.5
Commercial prints and labels, Deposit of	202.20(c)(2)(v)
Communications with Copyright Office, Addresses prescribed for	201.1
Complete copy defined for mandatory deposit only	202.19(b)(2)
Complete copy for purposes of registration, Definition of	202.20(b)(2)
Compulsory license for making/distributing phonorecords of nondramatic musical works, Notice of intention to obtain	201.18
Compulsory license for making/distributing phonorecords of nondramatic musical works, Rates	255.1 to 255.5
Compulsory license for making/distributing phonorecords of nondramatic musical works, Royalties and statements of account under	201.19
Compulsory license for secondary transmissions by cable systems, Statements of Account covering.....	201.17
Compulsory license, Record keeping for use of sound recordings	201.35 to 201.37
Compulsory license, Sound recordings	201.35 to 201.37
Computer programs and databases embodied in machine-readable copies other than CD-ROM format, Deposit of	202.20(c)(2)(vii)
Computer shareware, Recordation of documents pertaining to	201.26

² But see 17 U.S.C. 121 (reproduction for blind or other people with disabilities), added by the Act of September 16, 1996, Pub. L. 104–197, 110 Stat. 2394, 2416.

Index

Computer software (public domain), Recordation of documents regarding donation of	201.26
Conduct standards for CARP ¹ arbitrators.....	251.30 to 251.39
Confidentiality of, and access to, Statements of Account, Auditor's Reports, and other verification information filed in the Copyright Office for digital audio recording devices or media	201.29
Congress (Library of), Deposit of published copies or phonorecords for.....	202.19
Congress (Library of), Transfer of unpublished copyright deposits to	201.23
Contents of Statements of Account covering compulsory licenses for secondary cable transmissions.....	201.17(e)
Contributions to collective works, Deposit of.....	202.20(c)(2)(xv)
Copies and phonorecords, Deposit for copyright registration of.....	202.20
Copies containing both visually perceptible and machine-readable material other than a CD-ROM format, Deposit of.....	202.20(c)(2)(ix)
Copies, Deposit of identifying material instead of.....	202.21
Copies deposited, Return of.....	201.6(d)
Copies of records or deposits, Requests for.....	201.1(c)
Copies or phonorecords (published) for the Library of Congress, Deposit of	202.19
Copy (complete) defined for mandatory deposit only.....	202.19(b)(2)
Copying of records and indexes (Inspection and).....	201.2(b)
Copying of records under Freedom of Information Act [FOIA] (Inspection and).....	203.5
Copyright Arbitration Royalty Panel (CARP) ¹ : Rules and Procedures	
Access (public) to CARP ¹ meetings.....	251.11 to 251.16
Arbitrator lists	251.3
Conduct standards of CARP ¹ arbitrators	251.30 to 251.39
Ex parte communications	251.33
Inspection of CARP ¹ records.....	251.21 to 251.23
Organization of CARP ¹	251.1 to 251.8
Procedures of CARP ¹ panels.....	251.40 to 251.58
Public access to CARP ¹ meetings	251.11 to 251.16
Rate adjustment proceedings	251.60 to 251.65
Records (CARP), ¹ Inspection of.....	251.21 to 251.23
Royalty fee distribution proceedings	251.70 to 251.73
Standards of conduct for CARP ¹ arbitrators	251.30 to 251.39
Copyright deposits, Full-term retention of.....	202.23
Copyright deposits (unpublished), Transfer to Library of Congress of.....	201.23
Copyright, Material not subject to.....	202.1
Copyright notice, General.....	202.2
Copyright notice, Methods of affixation and position.....	201.20
Copyright Office fees. <i>See</i> Fees	201.3
Copyright Office, Information given by.....	201.2
Copyright Office, Proper address for mail and other communications with.....	201.1
Copyright owners and broadcasting entities, Recordation of agreements between.....	201.9
Copyright, Registration of claims to.....	202.3
Copyright restoration for certain motion pictures and their contents under NAFTA, ³ Procedures for	201.31
Copyright restoration under Uruguay Round Agreements Act.....	201.33
Copyright Warning for software lending by nonprofit libraries.....	201.24
Correction or amendment of records under Privacy Act, Request for.....	204.7
Corrections and amplifications of copyright registrations.....	201.5
Correspondence (official), Access and requests for copies of.....	201.2(c) & (d)

³NAFTA is the acronym for North American Free Trade Agreement.

37 CFR Ch. II (7–1–03 Edition)

Costs of CARP ¹ panels, Assessment of	251.54
Databases and computer programs embodied in machine-readable copies other than CD-ROM format, Deposit of	202.20(c)(2)(vii)
Date (effective) of registration	202.4
Date of recordation defined	201.4(a), 201.26(f)
Definitions:	
Advance Notice of Potential Infringement	201.22(a)(1)
Annual Statement of Account (compulsory license)	201.19(a)(2)
Architectural works	202.11(b)
Basic registration	201.5(a)
Best edition	202.19(b)(1), 202.20(b)(1)
Cable system	201.17(b)(2)
Cancellation	201.7(a)
Certification (official)	201.4(e)
Coin-operated phonorecord player	254.2
Complete copy (deposit for registration)	202.20(b)(2)
Complete copy (mandatory deposit)	202.19(b)(2)
Computer shareware	201.26(b)
Contributions to collective works	202.20(b)(2)(iii)
Current base rate (cable systems)	201.17(h)(1)(i)
Date of recordation	201.4(e), 201.26(f)
Digital audio transmissions, Arbitration concerning rates and terms for public performance of ephemeral or by audio transmissions	251.2, 251.61, 251.62
Digital phonorecord delivery	255.4
Digital subscription transmissions, Initial notice of use of works	201.35 - 201.37
Display Warning of Copyright	201.14(a)(1)
Distant signal equivalent	201.17(b)(5)
Distributor (satellite carrier)	201.11(b)
Document designated as pertaining to computer shareware	201.26(b)(2)
Gross receipts for basic service (cable systems)	201.17(b)(1)
Individual (Privacy Act)	204.2(a)
Local service area of a primary transmitter	201.17(b)(5)
Masthead	201.20(b)(8)
Monthly Statement of Account (compulsory license)	201.19(a)(1)
Motion pictures	202.20(b)(2)(vi)
Musical scores	202.20(b)(2)(v)
NAFTA ³ work	201.33(b)(1)
Network station (satellite carrier)	201.11(b)
Notice (initial) of Distribution of Digital Audio Recording Devices	201.27(b)
Notice of objection to certain noncommercial performances	201.13(a)
Off-the-air copying	202.22(c)
Order Warning of Copyright	201.14(a)(2)
Posthumous work (renewal)	202.17(b)
Potential copyright owner (NAFTA) ³	201.31(b)(4)
Primary transmission (satellite carrier)	201.11(b)(2)
Privacy Act	204.2
Private home viewing (satellite carrier)	201.11(b)
Public broadcasting entity	253.2
Public domain computer software	201.26(b)(3)
Publication (NAFTA) ³	201.31(b)(5)
Record (Privacy Act)	204.2(c)
Registration (supplementary)	201.5(a)
Reliance party	201.33(b)(2)
Renewal (posthumous work)	202.17(b)
Restored work	201.33(b)(3)
Routine use (Privacy Act)	204.2(e)
Satellite carrier	201.11(b)

Index

Secondary transmission (satellite carrier)	201.11(b)(2)
Secure test	202.20(b)(4)
Single-leaf work	201.20(b)(9)
Sound recordings	202.20(b)(2)(iv)
Source country	201.33(b)(4)
Subscriber (satellite carrier)	201.11(b)
Superstation (satellite carrier)	201.11(b)
Supplementary registration	201.5(a)
Syndex-proof signal (satellite retransmission)	258.2
System of records (Privacy Act)	204.2(d)
Title page	201.20(b)(5)
Unserved household (satellite carrier)	201.11(b)
Warning of Copyright for Software Rental	201.24(a)
Deposit accounts	201.6(b)
Deposit (Acquisition and) of unpublished television transmission pro- grams	202.22
Deposit (mandatory) of published copies or phonorecords for Library of Congress	202.19
Deposit, Nature of required	202.20(c)(1)
Deposit of copies for registration by category:	
Architectural works	202.20(c)(2)(xviii)
Certain pictorial and graphic works	202.20(c)(2)(iv)
Commercial prints and labels	202.20(c)(2)(v)
Computer programs and databases embodied in machine-readable cop- ies other than CD-ROM format	202.20(c)(2)(vii)
Contributions to collective works	202.20(c)(2)(xv)
Generally	202.20(c)(2)(i)
Group registration of serials	202.20(c)(2)(xvii)
Holograms	202.20(c)(2)(iii)
Machine-readable copies of works other than computer programs, databases, and works fixed in a CD-ROM format	202.20(c)(2)(viii)
Oversize deposits	202.20(c)(2)(xiii)
Phonorecords	202.20(c)(2)(xvi)
Pictorial advertising material	202.20(c)(2)(xiv)
Soundtracks	202.20(c)(2)(xii)
Tests	202.20(c)(2)(vi)
Works fixed in a CD-ROM format	202.20(c)(2)(xix)
Works reproduced in or on sheetlike materials	202.20(c)(2)(x)
Works reproduced in or on three-dimensional objects	202.20(c)(2)(xi)
Deposit of copies for registration (special relief)	202.20(d)
Deposit of copies under 17 U.S.C. 407, Presumption as to	202.19(f)
Deposit of identifying material instead of copies	202.21
Deposit of identifying material (Mask works)	211.5
Deposit of oversize material	202.20(c)(2)(xiii)
Deposit requirements under 17 U.S.C. 407(a), Exemption from	202.19(c)
Deposits (copyright), Full-term retention of	202.23
Deposits, Requests for copies of	201.1(c)
Deposits (unpublished copyright), Transfer to Library of Congress of	201.23
Designs, Protection of original designs of vessel hulls	212.1 to 212.6
Digital audio recording devices and media royalty payments, Filing of claims to	259.1 to 259.6
Digital audio recording devices or media (Access to, and confidentiality of, Statements of Account, Auditor's Reports, and other verification information filed in the Copyright Office for)	201.29
Digital audio recording devices or media, Initial notice of distribution of	201.27
Digital audio recording devices or media, Statements of account for	201.28
Digital phonorecord delivery, definition of	255.4

37 CFR Ch. II (7–1–03 Edition)

Digital phonorecord delivery, royalty rate for	255.5
Digital subscription transmissions of sound recordings, Rates and terms	260.1 to 260.5
Disclosure (financial) statements of CARP ¹ arbitrators	251.32
Displays [and] nondramatic performances of musical works for public broadcasting entities	253.7
Disruption of postal or other transportation or communications services	201.8
Distribution proceedings (CARP) ¹ for royalty fees	251.70 to 251.73
Documents pertaining to computer shareware, and public domain computer software, Recordation of	201.26
Documents, recordable	201.4(c)
Documents, Recordation of	201.4
Effective date of registration	202.4
Errors corrected by supplementary registration	201.5
Errors (minor) or omissions in registration	201.7(d)
Exemption from deposit requirements under 17 U.S.C. 407(a)	202.19(c)
Extended renewal term, Notices of termination of transfers and licenses covering	201.10
Fees, Generally for Copyright Office services	201.3
Freedom of Information Act	203.6
Licensing Division service fees	201.3(e)
Mask works	201.3(c)
Payment and Refunds	201.6
Privacy Act	204.6
Registration, recordation and related services	201.3 (c)
Special services	201.3(d)
Vessel hull designs	212.2, 212.5
Fees, Information on royalty payments or fees. <i>See</i> Royalty or Royalties.	
Filing and service of written cases and pleadings with CARP ¹	251.44
Financial disclosure statement of CARP ¹ arbitrators	251.32
Forms for recordation not provided by Copyright Office	201.4(b)
Forms, Registration	202.3(b)(2)
Forty-eight contiguous states, Recordation of certain contracts by cable systems located outside of	201.12
Freedom of Information Act (FOIA), Electronic Records, public inspection and search	203.3 to 203.6
Freedom of Information Act (FOIA): Policies and Procedures	Part 203
Authority and functions	203.2
FOIA and Privacy Act (CARP ¹ proceedings)	251.23
In general	203.1
Inspection and copying	203.5
Methods of operation	203.4
Organization [of the Copyright Office]	203.3
Schedule of fees and methods of payment for services rendered	203.6
Full-term retention of copyright deposits	202.23
Graphic works, Pictorial, sculptural, and	202.10
Handicapped; physically or blind, ² Voluntary license to permit reproduction of nondramatic literary works solely for use of those who are	201.15
Holograms, Deposit of	202.20(c)(2)(iii)
Identifying material instead of copies, Deposit of	202.21
Identifying material for Mask works, Deposit of	211.5
Indexes. <i>See</i> Records.	
Individual defined for purposes of Privacy Act	204.2(a)
Information (Freedom of) Act. <i>See</i> Freedom of Information Act (FOIA).	
Information given by Copyright Office	201.2
Infringement, Advance notices of potential	201.22

Index

Initial notice of distribution of digital audio recording devices or media.....	201.27
Inquiries by mail, etc.; addresses.....	201.1
Inspection and copying of records.....	201.2(b)
Inspection and copying of records under the Freedom of Information Act (FOIA).....	203.5
Inspection of CARP ¹ records.....	251.21 to 251.23
Judicial review of determinations by the Librarian of Congress in CARP ¹ proceedings.....	251.58
Labels, Deposit of commercial prints and.....	202.20(c)(2)(v)
Legal processes, Service of §411(a) notice.....	205.1
Lending of software by nonprofit libraries, Warning of copyright for.....	201.24
Library of Congress, Deposit of published copies or phonorecords for.....	202.19
Library of Congress, Transfer of unpublished copyright deposits to.....	201.23
Libraries and archives, Warning of copyright for use by.....	201.14
Libraries and archives, Notice of normal commercial exploitation or availability at reasonable price.....	201.39
Libraries (Nonprofit), Warning of copyright for software lending by.....	201.24
License (compulsory) for making/distributing phonorecords of nondramatic musical works, Notice of intention to obtain.....	201.18
License (voluntary) solely for use of blind ² and physically handicapped.....	201.15
Licenses and transfers covering extended renewal term, Notices of termination of.....	201.10
Licenses (compulsory) for secondary transmissions by cable systems, Statements of account covering.....	201.17
Licenses (statutory) for secondary transmissions for private home viewing, Satellite carrier statements of account covering.....	201.11
Licensing Division; inquiries/address.....	201.1
Machine-readable copies of works other than computer programs, databases, and works fixed in a CD-ROM format, Deposit of.....	202.20(c)(2)(viii)
Machine-readable copies other than CD-ROM format, Computer programs and databases embodied in.....	202.20(c)(2)(vii)
Mail and other communications with Copyright Office, Proper address for.....	201.1
Mail, disruption of.....	201.8
Mask Work Protection:	
Deposit of identifying material.....	211.5
General provisions.....	211.1
Mask work fees.....	201.3(c), 211.3
Methods of affixation and placement of mask work notice.....	211.6
Recordation of documents pertaining to mask works.....	211.2
Registration of claims of protection for mask works.....	211.4
Material not subject to copyright.....	202.1
Media, Initial notice of distribution of digital audio recording devices or.....	201.27
Meetings of CARP ¹ , Public access to.....	251.11 to 251.16
Motion pictures and their contents, Procedures for copyright restoration in accordance with NAFTA ³ for certain.....	201.31
Motion pictures, Deposit of.....	202.20(c)(2)(ii)
Musical compositions, Performance by public broadcasting entities of.....	253.4 to 253.6
Musical works (nondramatic), Notice of intention to obtain compulsory license for making/distributing phonorecords of.....	201.18
NAFTA, ³ Procedures for copyright restoration of certain motion pictures and the contents in accordance with.....	201.31
Noncommercial educational broadcasting.....	253.1 to 253.11

37 CFR Ch. II (7–1–03 Edition)

Noncommercial performances of nondramatic literary or musical works, Notices of objection to certain.....	201.13
Nondramatic literary or musical works, Notices of objection to certain noncommercial performances of	201.13
Nondramatic literary works, License to permit reproduction solely for use of blind and physically handicapped ²	201.15
Nondramatic musical works, Notice of intention to obtain compulsory license for making/distributing phonorecords of.....	201.18
Nondramatic musical works, Royalties and statements of account under compulsory license for making/distributing phonorecords of	201.19
Nondramatic performances and displays of musical works for public broadcasting entities	253.7
Nonprofit libraries, Warning of copyright for lending of software by	201.24
Notice (Mask work), Method of affixation and placement of.....	211.6
Notice of copyright	202.2
Notice of copyright, Methods of affixation and positions on works.....	201.20
Contributions to collective works	201.20(f)
Motion pictures and other audiovisual works.....	201.20(h)
Pictorial, graphic, and sculptural works	201.20(i)
Single-leaf works	201.20(e)
Works published in book form	201.20(d)
Works reproduced in machine-readable copies	201.20(g)
Notice (initial) of distribution of digital audio recording devices or media.....	201.27
Notices of Intent to Enforce a restored copyright, Correction notices, Procedures for filing	201.34
Notices of Intent to Enforce a restored copyright under the Uruguay Round Agreements Act, Procedures for filing.....	201.33
Notice of intention to obtain compulsory license for making/distributing phonorecords	201.18
Notices (advance) of potential infringement.....	201.22
Notices of objection to certain noncommercial performances of nondra- matic literary or musical works	201.13
Notices of termination of transfers and licenses covering extended re- newal term	201.10
Objection (Notice of) to certain noncommercial performances of nondra- matic literary or musical works	201.13
Off-the-air copying of unpublished television transmission programs.....	202.22(c)
Organization of CARP ¹	251.1 to 251.8
Oversize deposits	202.20(c)(2)(xiii)
Panels (CARP) ¹ , Procedures of.....	251.40 to 251.58
Performances (nondramatic) and displays of musical works for public broadcasting entities	253.7
Performances of musical compositions by public broadcasting enti- ties.....	253.4 to 253.6
Performances of nondramatic literary or musical works, Notices of ob- jection to certain noncommercial.....	201.13
Phonorecords, Deposit for copyright registration.....	202.20
Phonorecords for Library of Congress, Deposit of published.....	202.19
Phonorecords of nondramatic musical works, Notice of intention to ob- tain compulsory license for making/distributing.....	201.18
Phonorecords of nondramatic musical works, Royalties and statements of account under compulsory license for making/distributing.....	201.19
Phonorecords, Royalty payable under compulsory license for making and distributing.....	255.1 to 255.8
Photographs, Group Registration of.....	202.3(b)
Pictorial advertising material, Deposit of.....	202.20(c)(2)(xiv)
Pictorial, graphic, and sculptural works.....	202.10

Index

Pictorial, graphic, and sculptural works published by public broadcasting entities, Terms and rates of royalty payments for the use of.....	253.8
Positions and methods of affixation of copyright notice	201.20
Presumption as to deposit of copies under 17 U.S.C. 407.....	202.19(f)
Prints (commercial) and labels , Deposit of.....	202.20(c)(2)(v)
Privacy Act and FOIA (CARP ¹ proceedings).....	251.23
Privacy Act: Policies and Procedures	Part 204
Appeal of refusal to correct or amend an individual's record.....	204.8
Definitions.....	204.2
Fees.....	204.6
General policy.....	204.3
Judicial review	204.9
Procedure for notification of the existence of records pertaining to individuals	204.4
Procedures for requesting access to records	204.5
Request for correction or amendment of records	204.7
Private home viewing, Satellite carrier statements of account covering statutory licenses for secondary transmissions for.....	201.11
Procedures for copyright restoration in U.S.A. of certain motion pictures and their contents in accordance with NAFTA ³	201.31
Procedures of CARP ¹ panels.....	251.40 to 251.58
Proceedings for CARP ¹ royalty fee distribution.....	251.70 to 251.73
Proceedings for rate adjustment (CARP ¹).....	251.60 to 251.65
Public access to CARP ¹ meetings	251.11 to 251.16
Public access to CARP ¹ records.....	251.21 to 251.23
Public broadcasting entities, Nondramatic performances and displays of musical works for	253.7
Public broadcasting entities, Performance of musical compositions by.....	253.4 to 253.6
Public broadcasting entities, Recordation of agreements between copyright owners and.....	201.9
Public broadcasting entity defined.....	253.2
Public domain computer software, Recordation of documents pertaining to donation of.....	201.26
Published copies or phonorecords, Deposit (mandatory) for Library of Congress	202.19
Rate adjustment proceedings (CARP) ¹	251.60 to 251.65
Rate adjustment proceedings for secondary transmissions by satellite carriers (CARP)	258.1 - 258.3
Record of individual under Privacy Act, Appeal of refusal to correct or amend	204.8
Recordability of documents (general requirements)	201.4(c)
Recordation, Date of.....	201.4(e)
Recordation fees	201.4(d)
Recordation forms not necessary	201.4(b)
Recordation of agreements between copyright owners and public broadcasting entities.....	201.9
Recordation of cable contracts for systems outside the 48 contiguous states.....	201.12
Recordation of transfers and other documents.....	201.4
Recording devices (digital audio) or media, Initial notice of distribution of	201.27
Recording devices (digital audio) or media, Statements of account for.....	201.28
Records and indexes, Inspection and copying of.....	201.2(b)
Records (CARP) ¹ , Inspection of.....	251.21 to 251.23
Records; filings; addresses for requests	201.1

37 CFR Ch. II (7–1–03 Edition)

Records, Request under Privacy Act for amendment or correction of	204.7
Records (System of) under Privacy Act.....	204.2(d)
Records under Freedom of Information Act (FOIA), Inspection and copy- ing of.....	203.5
Reference and Bibliography Section as address for search requests	201.1(d)
Refund of Copyright Office fees	201.6
Refusal to correct or amend an individual's record, Appeal of.....	204.8
Registration (basic), Effect of supplementary registration on.....	201.5(d)
Registration (copyright), Deposit of copies and phonorecords for	202.20
Registration, Effective date of	202.4
Registration of copyright	202.3
Registration of group of related works	202.3(b)(4) to (8)
Automated databases	202.3(b)(4)
Contributions to periodicals.....	202.3(b)(7)
Daily newsletters.....	202.3(b)(8)
Daily newspapers.....	202.3(b)(6)
Photographs	202.3(b)
Serials.....	202.3(b)(5)
Registration of original designs of vessel hulls.....	212.1 to 212.6
Registration, one registration per work	202.3(b)(10)
Registrations and recordings, Requests for searches of	201.1(d)
Registrations (completed), Cancellation of	201.7
Registrations (corrected and amplified)	201.5
Registrations (supplementary)	201.5
Registry (Visual Arts)	201.25
Relief (Special)	202.19(e), 202.20(d)
Renewal term (extended), Notices of termination of transfers and li- censes covering.....	201.10
Renewals	202.17
Restoration of copyright for certain motion pictures and their contents in accordance with NAFTA, ³ Procedures for	201.31
Restoration of copyright under the Uruguay Round Agreement Act	201.33, 202.12
Restored copyrights, Registration of	202.12
Retention (Full-term) of copyright deposits	202.23
Royalties and statements of account under compulsory license for mak- ing/distributing phonorecords of nondramatic musical works.....	201.19
Royalty (cable) fees, Filing of claims under 17 U.S.C. 111(d)(4), 801, 803, to	252.1 to 252.5
Royalty fee (CARP) distribution proceedings	251.70 to 251.73
Royalty fee for cable compulsory license, Adjustment of.....	256.1 and 256.2
Royalty fee for secondary transmissions by satellite carriers, Adjust- ment of	258.1 to 258.3
Royalty fees for secondary transmissions by satellite carriers, Filing of claims to.....	257.1 to 257.6
Royalty payable under compulsory license for making/distributing phonorecords	255.1 to 255.3, 255.5
Royalty payments for digital audio recording devices and media, Filing of claims to.....	259.1 to 259.6
Royalty payments for use of published pictorial, graphic, and sculptural works	253.8
Royalty rate for coin-operated phonorecord players, Adjustment of....	254.1 to 254.3
Satellite carrier royalty fees, Filing of claims to.....	257.1 to 257.6
Satellite carrier statements of account and royalty fees covering li- censes for secondary transmissions for private home viewing.....	201.11
Satellite carriers, Adjustment of royalty fee for secondary transmissions by.....	258.1 to 258.3
Sculptural works (Pictorial, graphic, and)	202.10
Search of records, Requests for	201.1(d)

Index

Secondary transmission by cable systems, Royalty fee for compulsory license for	256.2
Secondary transmission by satellite carriers, Royalty fee for	258.3
Second transmissions by cable systems, Statements of Account covering compulsory licenses for	201.17
Serials, Group registration of	202.20(c)(2)(xvii)
Service of process, §411(a) notice	205.1
Service of process, Complaints to be served on Register of Copyrights	205.1
Shareware (computer), Recordation of documents pertaining to	201.26
Software lending by nonprofit libraries, Warning of copyright for	201.24
Software (public domain computer), Recordation of documents pertaining to donation of	201.26
Sound recordings, Public performance of, Definition of a service	201.35(b)(2)
Sound recordings, Recordkeeping for use of	201.35 to 201.37
Soundtracks, Deposit of	202.20(c)(2)(xii)
Special relief (deposit of copies for registration)	202.20(d)
Special relief (mandatory deposit under 17 U.S.C. 407)	202.19(e)
Special Services (Copyright Office), Fees for	201.3(d)
Specialty stations designated under cable compulsory license	256.2
Standards of conduct for CARP ¹ arbitrators	251.30 to 251.39
Statements of account (and royalties) under compulsory license for making/distributing phonorecords of nondramatic musical works	201.19
Statements of account and royalty fees (satellite carrier) covering licenses for secondary transmissions for private home viewing	201.11
Statements of Account, Auditor's Reports, etc. filed in Copyright Office for digital audio recording devices or media, Access to and confidentiality of	201.29
Statements of account covering compulsory licenses for secondary transmissions by cable systems	201.17
Statements of account for digital audio recording devices or media	201.28
Statements of Account (In general)	201.11, 201.17, 201.19, 201.28, 201.29
States (48 contiguous), Recordation of cable contracts for systems outside of	201.12
Statutory license, Notice and recordkeeping for use of sound recordings	201.35 to 201.37
Statutory licenses for secondary transmissions for private home viewing, Satellite carrier statements of account and royalty fees covering	201.11
Supplementary registration application (form and content)	201.5(c)
Supplementary registration, Effect on basic registration of	201.5(d)
Syndex-proof signal (satellite carrier retransmission), Definition of	258.2
System of records under Privacy Act	204.2(d)
Television broadcast signals transmitted by satellite carriers to the public for private home viewing, Adjustment of royalties payable under compulsory license for	258.1 to 258.3
Television broadcast signals transmitted by satellite carriers to the public for private home viewing, Procedures for filing claims for compulsory license royalty fees covering	257.1 to 257.6
Television transmission programs (unpublished), Acquisition and deposit of	202.22
Termination of transfers and licenses covering extended renewal term, Notices of	201.10
Tests, Deposit of	202.20(c)(2)(vi)
Transfer of unpublished copyright deposits to Library of Congress	201.23
Transfers and licenses covering extended renewal term, Notices of termination of	201.10
Transfers and other documents, Recordation of	201.4

37 CFR Ch. II (7–1–03 Edition)

Transmission programs (television), Acquisition and deposit of unpublished.....	202.22
Unpublished copyright deposits, Transfer to Library of Congress of.....	201.23
Unpublished television transmission programs, Acquisition and deposit of	202.22
Use (routine) under Privacy Act.....	204.2(e)
Verification information filed in Copyright Office for digital audio recording devices or media, Access to and confidentiality of	201.29
Vessel Hulls, Protection of original designs.....	212.1 to 212.6
Visual Arts Registry	201.25
Visually perceptible and machine-readable material other than a CD-ROM format, Deposit of copies containing both.....	202.20(c)(2)(ix)
Voluntary license to permit reproduction of nondramatic literary works solely for use of the blind and physically handicapped ²	201.15
Warning of copyright for software lending by nonprofit libraries	201.24
Warnings (display) of copyright for use by certain libraries and archives	201.14
Works:	
Architectural	202.11
Nondramatic literary	201.13
Nondramatic musical	201.13, 201.18, and 201.19
Pictorial, graphic, and sculptural	202.10
Works consisting of sounds, images, or both, Advance notices of potential infringement of.....	201.22
Works fixed in CD-ROM format, Deposit of	202.20(c)(2)(xix)
Works reproduced in or on sheetlike materials, Deposit of	202.20(c)(2)(x)
Works reproduced in or on three-dimensional objects, Deposit of.....	202.20(c)(2)(xi)
Xerographic or photographic copies on good quality paper are acceptable deposits for archival purposes in connection with the registration of claims to copyright in architectural works.....	202.20(c)(2)(xviii)